

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Eric Todd Burgess,)	C/A No. 4:12-3216-JFA-TER
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Sgt. Amy Bowers, et al.)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Eric Todd Burgess, brings this action pursuant to 42 U.S.C. § 1983 contending that the defendants violated his constitutional rights. The plaintiff is an inmate with the South Carolina Department of Corrections who is presently housed at the Kershaw Correctional Institution (KCI).

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that the plaintiff's motion for default judgment should be denied. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Recommendation, which was entered on the docket on September 23, 2013. The plaintiff, however, did not file any objections to the Report within the time limits prescribed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Magistrate Judge correctly suggests that defendants Bowers and Potoka filed a timely responsive pleading to plaintiff's amended complaint, after being granted an extension of time to do so, and that default judgment should be denied.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court adopts the Magistrate Judge's recommendation and incorporates it herein by reference.

Accordingly, plaintiff's motion for default judgment (ECF No. 67) is denied. The Clerk shall return this file to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

October 9, 2013
Columbia, South Carolina